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Notice of Allowability Examiner		Application No.	Applicant(s)
Notice of Allowability Examiner		10/627,589	KUSLICH ET AL.
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address—All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Information (PTO-163) or other appropriate communication will be main due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to the Amendment received on June 5. 2008. 2. ☑ The allowed claim(s) is/are 24.43.45-52 and 54-56. 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* o ☐ None of the: 1. ☐ Certified copies of the priority documents have been received in Application No. 2. ☐ Certified copies of the priority documents have been received in Application No. 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received:	Notice of Allowability Ex		
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith for previously mailed, a Notice of Allowance (PTOL-58) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOTI A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to the Amendment received on June 5, 2006. 2. ☑ The allowed claim(s) is/are 24.43.45-52 and 54-56. 3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). **Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.** 4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient. 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted. (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached 1) ☐ hereto or 2) ☐ to Paper No./Mail Date Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(a). 6.		Dave Willse	3738
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9. □ Other			Ratement of Reasons for Allowance
		9. 🔲 Other	

The terminal disclaimer filed on June 5, 2006, disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 5,489,307 has been reviewed and is accepted. The terminal disclaimer has been recorded.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David H. Brinkman on August 2, 2006.

The paragraph at the beginning of the specification has been replaced by the following:

-- This application is a continuation of U.S. application Serial No. 09/369,614, filed August 6, 1999, now U.S. Patent No. 6,599,320, which is a continuation of U.S. application Serial No. 08/902,746, filed July 29, 1997, now abandoned, which is a divisional of U.S. application Serial No. 08/752,818, filed November 21, 1996, now U.S. Patent No. 5,947,971, which is a continuation of U.S. application Serial No. 08/482,025, filed June 7, 1995, now U.S. Patent No. 5,720,748, which is a divisional of U.S. application Serial No. 08/299,807, filed September 1, 1994, now U.S. Patent No. 5,489,307, which is a continuation of U.S. application Serial No. 08/015,863, filed February 10, 1993, now abandoned, which applications are incorporated herein by reference. --

In claim 55, line 4, "said", last occurrence, has been deleted, and

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--of said first and second vertebrae-- has been inserted after

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"plates".

The above revisions were made in order to correct minor informalities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Willse whose telephone number is 571-272-4762 and who is generally available Monday through Thursday and sometimes on Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott, can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Dave Willse

Primary Examiner

Art Unit 3738